

Applicants request a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-4 (Residential) zone.

This would allow an existing residential structure which encroaches 0.9 feet (10.8") into the required side yard setback and is located to within 4.1 feet of the southerly side property line.

The required side yard setback is 5 feet in the R-4 zone district.

BACKGROUND

The applicants are requesting the builder error for a 10.8" encroachment into the side yard setback. They are not responsible for constructing the duplex building and have submitted a letter stating they are not aware of when and by whom the error occurred. This is their only request for the builder error in the past 12 months. Jesus Garcia is identified in the building permit records as the building contractor, but Planning staff and the applicant have been unable to locate or communicate with this individual.

CALCULATIONS

Required side yard setbacks = 5'

Requested side yard setback = 4.1'

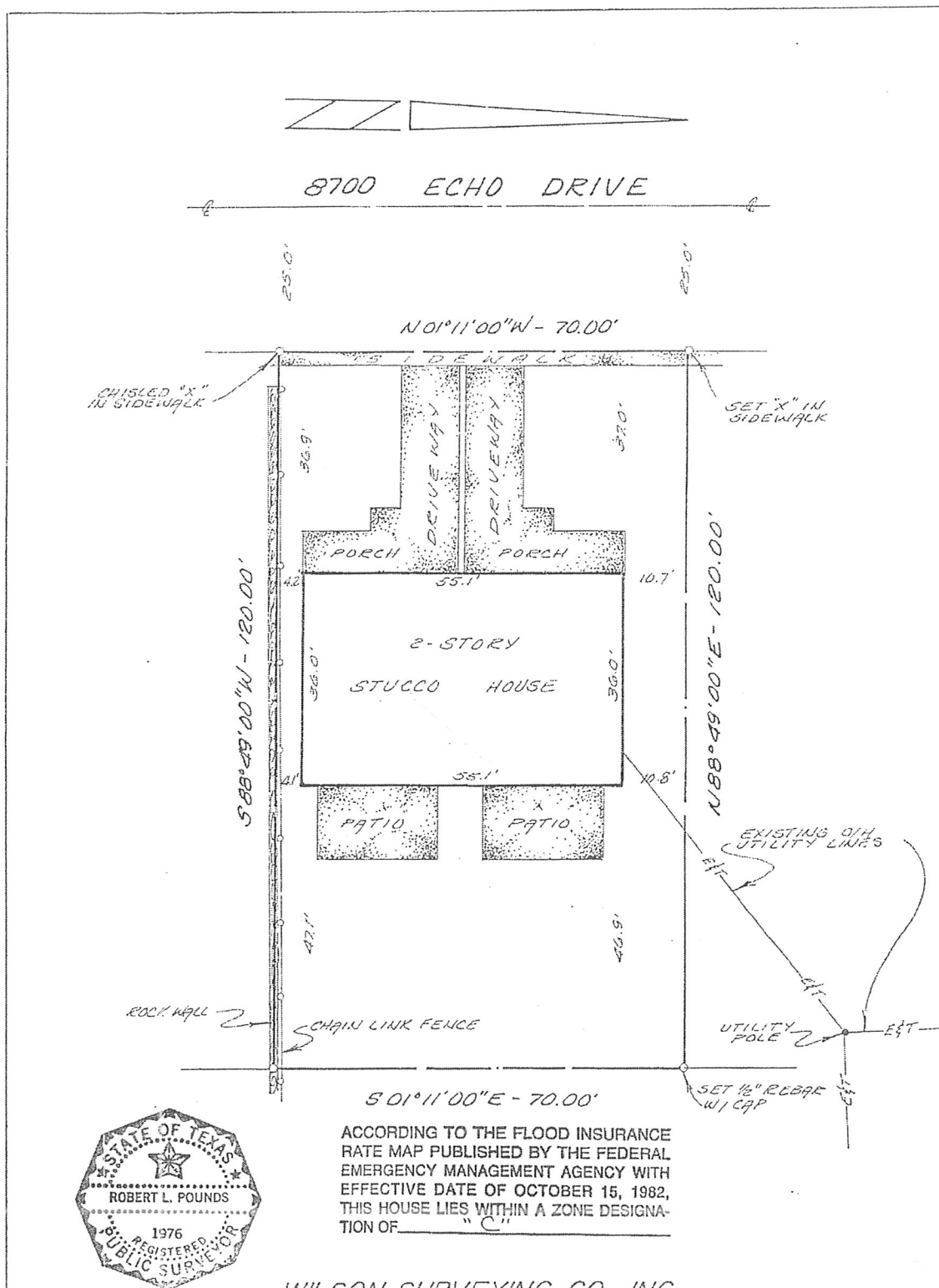
STAFF RECOMMENDATION

Staff recommendation is for approval as it meets the requirements of the Special Exception G.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater; and,
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater; and,
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater; and,
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and,
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or owner shall not exceed three in any twelve-month period."



WILSON SURVEYING CO., INC.

2701 East Yandell Drive
El Paso, Texas 79903
Phone: (915) 565-5600

REGISTERED LAND SURVEYORS
TEXAS - NEW MEXICO - ARIZONA

1718 Avenue "N"
Lubbock, Texas 79401
Phone: (806) 763-3388

THIS IS TO CERTIFY THAT THIS PLAT REPRESENTS AN ACTUAL FIELD SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, THAT ALL THE STRUCTURES SHOWN ARE LOCATED TO SCALE AND, UNLESS INDICATED, THERE ARE NO VISIBLE ENCROACHMENTS OR EASEMENTS.

Robert L. Pounds
REGISTERED PUBLIC SURVEYOR

PLAT OF SURVEY

TRACT: THE SOUTH 70.0 FT. OF THE WEST 120.0 FT. OF TRACT 200
ADDRESS: 8700 ECHO DRIVE BLOCK:
SUBDIVISION: SUNRISE ACRES No. 1
CITY: EL PASO EL PASO COUNTY, TEXAS.
CENSUS TRACT NO. 4.01
THE PLAT UPON WHICH THIS SURVEY IS BASED IS RECORDED IN:
VOLUME 16 PAGE 19 EL PASO COUNTY PLAT RECORDS.

DATE: 3-31-87
SCALE: 1" = 20'
DRAWN BY: E.S.
CHECKED BY: R.F.
FILE NO. W-45749

BUILDER ERROR LOG**For a 12 Month Period****November 14, 2011 to January 14, 2013**

MEETING DATE	CASE NUMBER	ADDRESS	CONTRACTOR
11/14/2011	PZBA11-00036	2609 Tanning Rock Way	BIC Homes
2/13/2012	PZBA11-00040	14200 Rattler Point Drive	Zia Homes
2/13/2012	PZBA11-00041	14192 Rattler Point Drive	Zia Homes
9/10/2012	PZBA12-00031	316 Villa Canto Street	Homeowner
11/12/2012	PZBA12-00039	3352 Scarlet Point Drive	Mencer Homes, Inc.
01/14/2013	PZBA12-00044	14369 East Cave Avenue	Desert View Homes
01/14/2013	PZBA12-00045	2313 Glitter Point Street	Casa De Leon, LLC
01/14/2013	PZBA12-00047	8700 Echo Street	Graciela Gonzalez, et al (homeowner)

December 3, 2012

City of El Paso Texas
2 Civic Center Plaza 5th floor
El Paso TX 79901-1196

City Development Department

Dear Sirs:

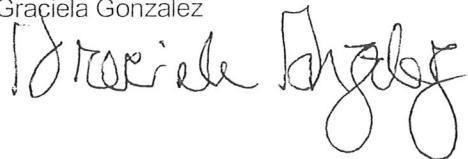
I, Graciela Gonzalez am the current owner of 8700 Echo property identification number S912999001H4820.

I. Graciela Gonzalez am requesting a builders error for the encroachment on site, set back of approximate sub matter of 9 inches, on property identification S91299001H4820, 8700 Echo.

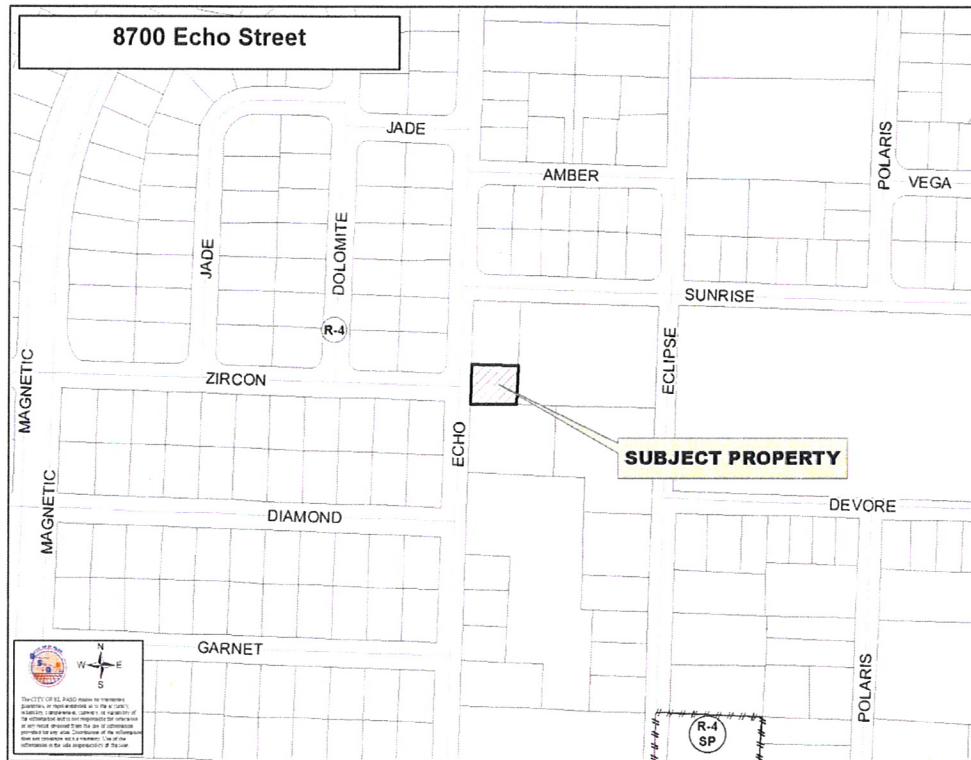
We were not aware of the builder's error of when it occurred and by whom.

Respectfully

Graciela Gonzalez

A handwritten signature in black ink, appearing to read "Graciela Gonzalez", with a large, stylized loop at the end of the last name.

ZONING MAP



NOTIFICATION MAP

